

Divorce Act, 1869

Chapter 11 - Custody of Children

In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it thinks fit, direct proceedings to be taken for placing such children under the protection of the said Court.

1 [Provided that the application with respect to the maintenance and education of the minor children pending the suit, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.]

1. Inserted by Act 49 of 2001, section 3 (w.e.f. 24-9-2001).

Section 42 - Power to make such orders after decree

The court after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provisions, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

Section 43 - Power to make orders as to custody of children in suits for dissolution or nullity

1 [In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in a District Court, the Court may from time to time before making its decree, make such interim orders as it may deem proper"] with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit,

and may, if it thinks fit, direct proceedings to be taken for placing such children under the protection of the court.

1 . Substituted by act 51 of 2001, section 25, for certain words (w.e.f. 3-10-2001).

Section 44 - Power to make such orders after decree or confirmation

1 [Where a decree of dissolution or nullity of marriage has been passed, the District Court may, upon application"] by petition for the purpose, make from time to time all such orders and provisions, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said court, as might have been made by such decree absolute or decree (as the case may be), or by such

interim orders as aforesaid.

1. Substituted by Act 51 of 2001, section 26, for certain words (w.e.f. 3-10-2001).

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